

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 1, 5, 9, and 14 are amended and claims 10, 12, 15, 17, and 20 are canceled herein. With entry of this amendment, claims 1-9, 11, 13, 14, 16, 18, and 19 will be pending.

Applicants respectfully request the Examiner to acknowledge and enter the Information Disclosure Statement filed on August 30, 2002 in the subject case.

### **II. Claim Rejections – 35 U.S.C. 102 and 103:**

Claims 1-3, 5-7, 9-10, 13-15, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,961,595 (Kawagoe et al.).

Claims 1 and 5 have been amended to further include: sending a request to a new network element for information about the new network element; initializing the network element independent module for the new network element; and receiving from the new network element and storing a new network element dependent module if the network element dependent module of the new network element is different from the network element dependent modules accessible by the network management system.

The Kawagoe et al. patent is directed to a network management system with a hardware resource management module shared between networks. The invention converts a message to be exchanged in an interface between an agent and a resource manager into the message capable of conforming with the form of an operation request standardized by a standard protocol. The primary object of the invention is to provide a network management system configured to decrease labor in developing a protocol converting program for an agent and standardizing a general message format.

Applicants' invention is particularly advantageous in that it allows for new features and new network elements to be readily managed by a network management application. The network element dependent module can provide specifications and functions that are specific to the network element to which the network element dependent module is associated. The network management application can utilize network element independent modules for functions that are generic to the network element type, and network element dependent modules for functions that are specific to the network element type. In this manner, a new network element can be added to a network and readily managed by the network management application regardless of whether the network element includes new features or is a new network element. Conventional techniques, such as those disclosed in Kawagoe et al., require a network management application to be updated in order for the application to manage the new features of a network element.

Kawagoe et al. do not teach initializing the network element independent module for a new network element and receiving a new network element dependent module from the new network element if the network element dependent module of the new network element is different from the network dependent modules accessible by the network management application, as required by amended claims 1 and 5.

Kawagoe et al. use a message converter to convert details of an operation request from the message format of a standard interface to the specification of another interface. If an operation request from a manager needs to modify an instance stored in a database managed by the resource manager, the agent sends the operation request to the message converter. The message converter simply converts the message according to the standard protocol into the message of original format. In contrast to applicants' invention, Kawagoe et al. provide an agent having a message converter which is provided to convert messages that are exchanged between an agent and a resource manager. As such, Kawagoe et al. are concerned with the message format of an operation request rather than the type of network element that is sending the request.

Accordingly, claims 1 and 5 are submitted as patentable over Kawagoe et al. Claims 2-4 and 19, depending from claim 1, claims 6-8, depending from claim 5, are submitted as patentable for at least the reasons discussed above.

Claims 2 and 6 are further submitted as patentable over Kawagoe et al. because they do not disclose functions of a module that are executable at run time through dynamic class loading.

Claims 3 and 7 are further submitted as patentable over Kawagoe et al., which do not disclose a network element dependent module that includes specifications of the network element. As previously discussed, the agent and message converter are only concerned with the format of an operation request and do not include specifications of a network element.

Claim 9 has been amended to include the limitations of claim 12 and claim 14 has been amended to include the limitations of claim 17.

Claims 12 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawagoe et al. in view of U.S. Patent No. 6,473,783 (Goshey et al.) in view of U.S. Patent No. 6,735,625 (Ponna).

Goshey et al. disclose a method and apparatus for sharing peripheral devices over a network. As shown in Figure 3B, a graphical user interface is provided for use with a setup wizard. Figures 3F and 3G show computer screens that may be used to modify sharing and use rights of particular clients. Goshey et al. do not remedy the deficiencies of the primary reference.

The Ponna patent issued May 11, 2004 and is assigned to Cisco Technology, Inc., which is the same assignee as the subject patent application.

The American Inventors Protection Act (AIPA) amended 35 U.S.C. § 103(c) to exclude subject matter developed by another person which qualifies as prior art under Section 102(e), provided that this subject matter and the claimed invention were commonly owned at the time the claimed invention was made.

This amendment to Section 103(c) applies to patent applications filed on or after November 29, 1999. (American Inventors Protection Act of 1999, Pub. L. No. 106-113, Sec. 4807(b)). The subject patent application was filed after November 29, 1999 and the invention was commonly owned with the subject matter of the Ponna patent at the time the invention was made.

Accordingly, claims 9 and 14, as amended, and the claims depending therefrom, are submitted as patentable.

Claims 4, 8, 11-12, and 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawagoe et al. in view of Goshey et al. As noted above, Goshey et al. do not remedy the deficiencies of the primary reference. Furthermore, Goshey et al. do not show or suggest sending a request to a network element for the software version. Fig. 3C simply shows a window displaying devices that are physically connected to the computer and whether sharing is allowed.

### III. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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